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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,448
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Mr. Kirk A. Vander Leest
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/06/2010 appealing from the Office action
mailed 02/17/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

The present application includes pending claims 1-31, all of which stand rejected under 35 U.S.C. § 102(e).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,553,100

Chen et al

04-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (United States Patent 6,553,100).

With respect to Claim 1, the claimed *"receiving, at a first geographic location, an alert from a first device coupled to the communication network"* is met by Chen et al. that teach the use of an intelligent processor (100) in receiving an alert from alarm event detectors (510,520) via a network (200) at a 1st geographic location, i.e. a subscribers' home (*Abstract; Fig.1&5; col.1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48*). The claimed *"generating within a home; a message corresponding to said received alert;"* is met by Chen et al. that teach the generation & transmittal by an intelligent processor (100), located on-premise. (*Fig.5; col.1, lines 61-67; Col.2 lines 42-46, col.6, lines 40-48; col.8, lines 46-53; & col.9, lines 54-57*).

The claimed "automatically *routing said generated message to a location that is remote [410,420, 430] from said first geographic location (user's home), based on a prior authorization level of the first device established by a user command*(i.e. user commands to update profile within processor 100 using input device 190 in order to route alerts to off-premises device 410,420,430), *wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location* (i.e. user updating profile will route the alert to off-premises device instead of on-premise devices)," (*Figures 1 and 2; col.4, lines 51-67, Col.5 lines 1-24 and Col.7 lines 45-51*).

With respect to Claim 2, the claimed "*comprising displaying said generated message along with a media broadcast on said television screen within said home*" is met by Chen et al. that teach the transmittal of an alert message to a user's television while they are watching a media broadcast (*col.1, lines 61-67; col.3; lines 47-53 and col. 8, lines 34-39 & lines 56-59*).

With respect to Claim 3, the claimed "*comprising receiving an acknowledgement of said displayed message via a user selection*" is met by Chen et al. that teach the acknowledgement of an alert by the use of an alert acknowledgement input device (318) (*Fig.4; col.4, lines 7-11 and col.9, lines 18-25 & lines 58-61*).

With respect to Claim 4, the claimed "*comprising receiving said acknowledgement via a remote control that controls functions for said television*" is met by Chen et al. that teach the use of a remote control in acknowledging an alert (*col.4, lines 7-11 and col.9, lines 21-25*).

With respect to Claim 5, the claimed "*comprising terminating display of said generated message upon said receiving of said acknowledgement*" is met by Chen et al. that teach the termination of an alert message once a user acknowledges it (*Fig.5; col.4; lines 12-16; & col. 9, lines 58-67*).

With respect to Claim 6, the claimed "*wherein said alert indicates a status of at least said first device and a second device*" is met by Chen et al. that teach the use of two alarm event detectors (510,520) that can be integrated into a burglary alarm system, a fire alarm system, a washing machine overflow alert system, an elders emergency alarm system, a kitchen appliance malfunction alarm system, and/or the like. (*Fig.1; col. 5, lines 25-37 & 45-58*).

With respect to Claim 7, the claimed "*wherein the first device is located outside said home and said second device is located within said home*" is met by Chen et al. that teach the use of alert event detectors (510,520) can either be on-premise or off-premise and directly coupled to the intelligent processor (100) via a network (200). (*Fig.1; col.5, lines 26-37 & 51-58*).

With respect to Claim 8, the claimed "*comprising receiving said alert via at least one of a wired and a wireless connection*" is met by Chen et al. that teach a the reception of an alert by an intelligent processor (100) via a communication network (200), such as: a Public Switched Telephone Network (PSTN), a cellular network, a data network, an Internet Protocol (IP) network, an Asynchronous Transfer Mode (ATM) network, a circuit switched network, a Voice-over Internet (VOIP) network, a radio or television broadcasting network, and a cable network. (*Fig.1; col.2, lines 34-41*).

With respect to Claim 9, the claimed *"comprising displaying said generated message for a predetermined period of time"* is met by Chen et al. that teach the displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). (*col. 4, lines 7-16; col. 9, lines 21-34, 58-67*).

With respect to Claim 10, the claimed *"comprising displaying said generated message in one or more of a pop-up window, a picture-in-picture (PIP) window and/or a banner on said television screen"* is met by Chen et al. that teach the displaying of an alert notification via a pop-up window, a picture-in-picture (PIP) window and/or a banner on a television screen. (*col. 1, lines 61-67; col. 3, lines 47-53; col. 8, lines 54-59*).

Claims 11 & 21 are met as previously discussed with respect to Claim 1.

Claims 12 & 22 are met as previously discussed with respect to Claim 2.

Claims 13 & 23 are met as previously discussed with respect to Claim 3.

Claims 14 & 24 are met as previously discussed with respect to Claim 4.

Claims 15 & 25 are met as previously discussed with respect to Claim 5.

Claims 16 & 26 are met as previously discussed with respect to Claim 6.

Claims 17 & 27 are met as previously discussed with respect to Claim 7.

Claims 18 & 28 are met as previously discussed with respect to Claim 8.

Claims 19 & 29 are met as previously discussed with respect to Claim 9.

Claims 20 & 30 are met as previously discussed with respect to Claim 10.

With respect to Claim 31, the claimed *"wherein said at least one processor is one or more of a media processing system processor, a media management processor, a*

computer processor, a media exchange software processor and/or a media peripheral processor" is met by Chen et al. that teach the use of an intelligent processor (100) in receiving, generating, & displaying an alert notification to a user at a first location (Abstract; Fig.1&2; col.2, lines 27-32 & lines 42-46; col.3, lines 47-53; col.5, lines 26-29; col.6, lines 15-53).

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Only those actual arguments by raised by appellant are being treated in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are considered by the examiner as having been conceded by the appellant for the basis of the decision of this appeal. Accordingly, they are not being addressed by the examiner for further consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.

Rejection Under 35 U.S.C. 102(e) over Chen et al

A. Independent claims 1, 11 and 21

The rejection relies upon Chen et al to teach a method for displaying alerts in a communication network, the method comprising: *"receiving, at a first geographic location, an alert from a first device coupled to the communication network"* is met by

Chen et al. that teach the use of an intelligent processor (100) in receiving an alert from alarm event detectors (510,520) via a network (200) at a 1st geographic location, i.e. a subscribers' home (*Abstract; Fig.1&5; col.1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48*). The claimed *"generating within a home; a message corresponding to said received alert,"* is met by Chen et al. that teach the generation & transmittal by an intelligent processor (100), located on-premise. (*Fig.5; col.1, lines 61-67; Col.2 lines 42-46, col.6, lines 40-48; col.8, lines 46-53; & col.9, lines 54-57*).

The claimed *"automatically routing said generated message to a location that is remote [410,420, 430] from said first geographic location (user's home), based on a prior authorization level of the first device established by a user command(i.e. user commands to update profile within processor 100 using input device 190 in order to route alerts to off-premises device 410,420,430), wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location (i.e. user updating profile will route the alert to off-premises device instead of on-premise devices)."* (*Figures 1 and 2; col.4, lines 51-67, Col.5 lines 1-24 and Col.7 lines 45-51*).

Appellant argues Chen et al does not disclose or suggest at least limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location." The examiner respectfully disagrees.

Chen et al teaches intelligent alerting system comprising an intelligent processor 100 coupled to enhanced reproduction devices 310 and 320, on-premises devices 330 and 340, alert event detectors 510 and 520, network 200, off-premises devices 410, 420, and 430 coupled to network 200 (Figure 1). The intelligent processor 100 utilizes one or more profile in order to alert user with various types of alert events (Col.3 lines 1-15). The user is able to directly enter commands using input device 190 into processor 100, commands may include updating a profile (Col.7 lines 45-51). Furthermore, user configured profile enables him/her to receive event alerts detected by event detectors 510 and 520 at off-premises devices 410, 420 and/or 430 (Col.4 line 57-Col.5 line 25).

The reference teaches intelligent processor 100 receives alerts generated by alert event detectors [510,520] via network 200 at subscriber's home (*Abstract; Fig.1&5; col.1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48*) reads on claimed limitation "receiving, at a first location, an alert from a first device coupled to the communication network." The intelligent processor 100 generating a message at subscriber's home based on received alert from alert event detectors [510, 520] (Col.1 lines 61-67, Col.2 lines 42-46 and Col.6 lines 40-48) reads on claimed limitation "generating within a home, message corresponding to said received alert." The generated alert is automatically routed to an off-premises devices 410,420 and/or 430 based on user updated profile within processor 100 (*Figures 1 and 2; col.4, lines 51-67, Col.5 lines 1-24 and Col.7 lines 45-51*) reads on claimed limitation "automatically routing said generated message to a location that is remote from said first geographic location."

The user updating a profile within processor 100, authorizes the intelligent processor 100 to automatically route generated alert messages, based on received alerts from alert event detectors [510, 520], to an off-premises devices [410,420,430]. Furthermore, user is able to program or modify a preferred order in which an alert message should be transmitted to alert devices (Col.3 lines 1-15, Col.7 lines 45-50 and Col.8 lines 2-7). In current application, the specification provides no special definition of what is meant by a "prior authorization level." The reference teaches the use of profiles programmed or modified by the user indicating preferred order of devices in which an alert message should be transmitted. This meets the broadest reasonable interpretation of a "prior authorization level" because the user authorizes a level or priority of device in which to route messages 'prior to' receipt of the alert message. Thus, the reference reads on claimed limitation "based on prior authorization level of the first device established by a user command."

The reference teaches the profile database 174 stores one or more user profiles indicating where and when an end-user may be reached by a given device. User receiving alert from the processor 100 at an off-premises devices including pager [420] and/or a wireless phone [430] are independent of user location, which reads on claimed limitation "wherein said routing is performed independently of a user location" (Col.5 lines 1-25). In addition the reference states "it should be appreciated that consultation of the profile may be performed before or instead of transmitting an alert to the on-premises devices" and followed by examples, wherein alert is transmitted to off-premises devices prior to communicating with an on-premises devices (Col.4 lines 57-

59, Col.4 lines 60-67 and Col.5 lines 1-25) reads on claimed limitation "prior to communicating said generated message to any device within said first geographic location."

Dependent claims 2, 12 and 22

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 2, 12 and 22 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 3, 13 and 23

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 3, 13 and 23 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 4, 14 and 24

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 4, 14 and 24 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 5, 15 and 25

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 5, 15 and

Comment [51]: You need to spoon feed this to the BPAI and explicitly connect the dots for them by explicitly state/explaining why the cited portion reads on the limitations. You can't simply repeat what you wrote previously. You need to say something like "The specification provides no special definition of what is meant by a 'prior authorization level'. Chen teaches the use of profiles whereby the user establishes which devices have msgs fwd'd to them and in what order. This meets the broadest reasonable interpretation of a 'prior authorization level' because the user selects which devices to route messages 'prior to' receipt of the msg and. . . ."

25 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 6, 16 and 26

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. In addition, appellant argues cited reference fails to disclose limitation "said alert indicates a status of at least said first and a second device." The examiner respectfully disagrees.

Chen et al. that teach the use of two alarm event detectors (510,520) that can be integrated into a burglary alarm system, a fire alarm system, a washing machine overflow alert system, an elders emergency alarm system, a kitchen appliance malfunction alarm system, and/or the like indicating status information. (Fig. 1; col. 5, lines 25-37 & 45-58)

Accordingly, claims 6, 16 and 26 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 7, 17 and 27

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 7, 17 and 27 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 8, 18 and 28

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 8, 18 and 28 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 9, 19 and 29

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1.

Appellant argues cited reference fails to teach claimed limitation "displaying said generated message for a predetermined period of time." The examiner respectfully disagrees.

Chen et al. teaches the displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). (col. 4, lines 7-16; col. 9, lines 21-34, 58-67) Furthermore, a predetermined period of time is open to broader interpretation, wherein time period it takes to receive an acknowledgement reads on "predetermined period of time", regardless of time period varying from alert to alert.

Accordingly, claims 9, 19 and 29 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claims 10, 20 and 30

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 10, 20 and 30 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

Dependent claim 31

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claims 1, 11 and 21. Accordingly, claim 31 is not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claims 1, 11 and 21.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. L./

Examiner, Art Unit 2427

Conferees:

/Scott Beliveau/

Art Unit: 2427

Supervisory Patent Examiner, Art Unit 2427

/John Miller/

Supervisory Patent Examiner, Art Unit 2421